

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

FREIGHTLINER OF	:	CIVIL ACTION NO. 1:10-CV-2503
HARRISBURG,	:	
Plaintiff	:	(Judge Conner)
	:	
v.	:	
	:	
DAIMLER TRUCKS	:	
NORTH AMERICA LLC,	:	
Defendant	:	

ORDER

AND NOW, this 25th day of February, 2011, upon consideration of plaintiff's motion (Doc. 7) to set aside the clerk's entry of default (see Doc. 6) and to withdraw plaintiff's pending motion (Doc. 3) for default judgment, and it appearing that plaintiff avers that the summons and complaint were served on defendant on December 13, 2010, but that defendant contends that service was not properly effectuated, and that defendant therefore made no answer or other defense or appearance in the above-captioned case, and it further appearing that default was entered in the above-captioned case on February 11, 2011, (see Doc. 6), but that the parties were subsequently able to resolve their dispute regarding service, (see Doc. 7 at 3-4), it is hereby ORDERED that:

1. Plaintiff's motion (Doc. 7) to set aside default is GRANTED.
2. The Clerk of Court is directed to STRIKE from the record the default entered on February 11, 2011 (Doc. 6).
3. Plaintiff's motion (Doc. 3) for default judgment is WITHDRAWN, with prejudice, and DENIED as MOOT.

4. Defendant is directed to execute a waiver of service of summons form forthwith, and to tender same to Plaintiff's counsel, who is to file same in the above-captioned case, in accordance with the agreement of the parties.
5. In further accordance with the agreement of the parties, defendant shall not in any manner raise the issue of service of the complaint upon defendant, including, but not limited to, raising the issue by way of answer, motion, or affirmative defense.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge